

FARKAS & DONOHUE, LLC

-Counselors at Law-

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JENNIFER SALFI GIANETTI
GUY M. MAGNUSSON

* Certified By The Supreme
Court of New Jersey as a
Certified Civil Trial Attorney
** Admitted in NJ & PA
+ Admitted in NJ & NY
Admitted in NJ & AZ

April 2, 2012

Via US Mail and Electronic Filing

Hon. Mary L. Cooper, JUSDC
Clarkson S. Fisher Federal Building & US Courthouse
Room 5000
402 East State Street
Trenton, New Jersey 08608

Re: *Mullin v. Byrd, et al.*
Docket No.: 3:11-CV-0247(MLC)(LHG)
Our File No.: UMDNJ-113

Dear Judge Cooper:

Enclosed please find a hard copy of a Notice of Cross Motion, Certification of Counsel, Proposed Order and Brief on behalf of defendant Jane Byrd, LPN. We have e-filed same with the court and serviced hard copies to all counsel.

Respectfully submitted,


Nancy Crosta Landale

NCL/sbh

Encl.

cc: Shelley L. Stangler, Esq.
Joseph Micheletti, DAG
Kevin A. Terhune, DAG
John J. Welch, Esq.
Marguerite K. Ferrell – UMDNJ

FARKAS & DONOHUE, LLC
25A Hanover Road – Suite 320
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(973) 443-9400
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Attorneys for Defendant Jane Byrd, LPN
Our File No.: UMDNJ-113
By: Nancy Crosta Landale, Esq.
nlandale@FarkasandDonohue.com

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOAN MULLIN, Administratrix of the	:	Hon. Mary L. Cooper, USDJ
ESTATE OF ROBERT MULLIN,	:	Civil Action No.: 11-0247(MLC-LHG)
Deceased, and JOAN MULLIN,	:	
Individually,	:	
Plaintiffs,	:	NOTICE OF CROSS MOTION
v.	:	TO DISMISS PLAINTIFFS'
STATE OF NEW JERSEY, et al.	:	COMPLAINT (INCLUDING
	:	OPPOSITION TO PLAINTIFFS'
Defendants.	:	MOTION FOR LEAVE TO FILE LATE
		NOTICE OF CLAIM)

TO: Shelley L. Stangler, Esq.
Shelley Stangler, PC
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Springfield, New Jersey 07081
Attorneys for Plaintiffs

Joseph Micheletti, DAG
State of New Jersey
Office of Attorney General
Division of Law
25 Market Street
PO Box 116
Trenton, New Jersey 08625
Attorneys for Defendants, Balicki, Patterson, Dunlap-Price and Byrd

Kevin A. Terhune, DAG
Office of the Attorney General
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25 Market Street
PO Box 116
Trenton, New Jersey 08625
Attorneys for Defendant, Trenton Psychiatric Hospital

John J. Welch, Esq.
2329 State Highway 43, Suite 103
Manasquan, New Jersey 08736
Attorneys for Defendant, Kintock Group

PLEASE TAKE NOTICE that on **Monday, April 16, 2012**, at 9:00 am or as soon thereafter as counsel may be heard, the undersigned attorneys for defendant, Jane Byrd, LPN, will cross move before the District Court of New Jersey, at the United States Courthouse in Trenton, New Jersey, for an Order dismissing plaintiffs' Complaint with prejudice pursuant to *N.J.S.A. 59:6-5 and -6*.

PLEASE TAKE FURTHER NOTICE that defendant Jane Byrd, LPN will rely upon the annexed Certification and Brief in support of the within application; and

PLEASE TAKE FURTHER NOTICE that defendant Jane Byrd, LPN's opposition to plaintiffs' motion for leave to file late notice of claim, also returnable April 16, 2012, is included in the annexed Certification and Brief; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested if opposition to the cross motion is filed. A proposed form of Order is attached hereto.

FARKAS & DONOHUE, LLC

Attorneys for Defendant
Jane Byrd, LPN

By: 

Nancy Crosta Landale

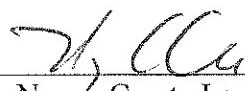
Dated: 4/2/12

CERTIFICATION OF SERVICE

I hereby certify that the original of the within cross-motion and opposition is being filed electronically this day with the Clerk of the United States District Court; a courtesy copy is being mailed to the Hon. Mary L. Cooper, U.S.D.C.; and a copy is being forwarded to all the above noted counsel via email and ordinary mail.

FARKAS & DONOHUE, LLC

Attorneys for Defendant
Jane Byrd, LPN

By: 
Nancy Crosta Landale

Dated: April 2, 2012

FARKAS & DONOHUE, LLC

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Attorneys for Defendant Jane Byrd, LPN
Our File No.: UMDNJ-113
By: Nancy Crosta Landale, Esq.
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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOAN MULLIN, Administratrix of the	:	
ESTATE OF ROBERT MULLIN,	:	Hon. Mary L. Cooper, USDJ
Deceased, and JOAN MULLIN,	:	
Individually,	:	Civil Action No.: 11-0247(MLC-LHG)
Plaintiffs,	:	
v.	:	ORDER
STATE OF NEW JERSEY, et al.	:	
	:	
Defendants.	:	

THIS MATTER, having been opened to the Court by Farkas & Donohue, LLC, attorneys for defendant Jane Byrd, LPN, and the Court having considered the cross moving papers and any papers filed in opposition to the cross motion, and for good cause having been shown;

IT IS on this _____ day of April 2012

ORDERED that the plaintiffs' Complaint against Jane Byrd, LPN be and is hereby dismissed with prejudice pursuant to *N.J.S.A. 59:6-5* and -6; and it is further

ORDERED that a copy of this Order shall be served upon all counsel within seven (7) days of its receipt in executed, filed form by the cross-movant.

Hon. Mary L. Cooper, U.S.D.J.